

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

RUFUS D. ANDERSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 07-245-SLR
)	
NURSE DIRECTOR GAIL ELLER,)	
MEDICAL DIRECTOR JOHN RUNDLE,)	
and BUREAU CHIEF PAUL HOWARD,)	
)	
Defendants.)	

ORDER

WHEREAS, plaintiff, Rufus D. Anderson, was a prisoner incarcerated at the Delaware Correctional Center at the time he filed his complaint under 42 U.S.C. § 1983, along with an application to proceed without prepayment of fees pursuant to 28 U.S.C. § 1915;

WHEREAS, on May 16, 2007, this court entered an order granting leave to proceed in forma pauperis, and requiring plaintiff to pay the \$350.00 filing fee as determined by statute;

WHEREAS, on July 31, 2007, the court was notified that plaintiff is no longer incarcerated;

WHEREAS, under the Prison Litigation Reform Act, release does not eliminate the obligation of payment of a filing fee that could and should have been met from the trust account while imprisonment continued. Robbins v. Switzer, 104 F.3d 895, 899 (7th Cir. 1997); see also Drayer v. Attorney General, Nos. 03-2517, 03-2518, 81 Fed. Appx.

429 (3d Cir. 2003).

WHEREAS, on November 13, 2007, the court ordered plaintiff to either pay the filing fee he owes (\$350.00) or submit a new standard form application to proceed without prepayment of fees and affidavit within thirty days of the date of the order (D.I. 10);

WHEREAS, the time has lapsed and plaintiff has not complied with the court's order of November 13, 2007;

THEREFORE, at Wilmington this 3d day of January, 2008, IT IS HEREBY ORDERED that the plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.


UNITED STATES DISTRICT JUDGE